

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Mirabahn Cairobe,	§
	§
Plaintiff	§
	§ Case No. 1:23-cv-00486-CAP-JKL
vs.	§
	§
Zwicker & Associates, P.C.,	§
	§
Defendant	§

DECLARATION OF MANUEL H. NEWBURGER

I, the undersigned Manuel H. Newburger, make this declaration under penalty of perjury and state the following:

My name is Manuel H. Newburger. I am over eighteen years of age, of sound mind, and fully competent to make this declaration. I am one of the attorneys for Defendant Zwicker & Associates, P.C. (“Zwicker”), and in that capacity I have personal knowledge of the matters set forth in this declaration.

I have been licensed to practice law in Texas since 1983, and throughout that time I have handled consumer protection litigation, including cases under the FDCPA. For twenty-four years, from 1999 to 2022, I taught consumer protection law (including FDCPA law) at the University of Texas School of Law. I am licensed

to practice law in Texas, Colorado, Massachusetts, and Wisconsin, and in addition to my admissions in over twenty federal districts I am admitted to practice before the United States Supreme Court and the United States Courts of Appeals for the First through Eleventh and DC Circuits. I am board certified as a specialist in consumer and commercial law by the Texas Board of Legal Specialization.

I have represented Zwicker for over thirty years. As a result of my background and experience I serve as Zwicker's national defense counsel in consumer law matters. This Declaration is intended to supplement my testimony during the July 25, 2024 hearing. As I indicated in that hearing, my reasonable fees and costs in this case, through the creation of defendant's Hearing Exhibit 6, totaled \$69,398.70.

The accompanying Exhibit A is a true report of my time and expenses since the creation of Defendant's Hearing Exhibit 6. That report is a record of my regularly conducted business activity regarding his case. That report is a printout of timeslip records maintained in my firm's Centerbase system. Those records were created by a person with knowledge of the matters described therein, and they were created at or near the time of the events that they describe. They were made and kept in the ordinary course of business, and it is part of the regular course of business of my firm to make and keep such records.

From the creation of Defendant's Hearing Exhibit 6 through the time of creation of the accompanying Exhibit A I incurred an additional \$7,306.67 in fees and expenses. Thus, the grand total of fees and costs that defendant seeks in this case is \$76,705.37. Such fees and costs are reasonable, necessary, usual, and customary.

The foregoing matters are, within my personal knowledge, true and correct.

Signed this 4th day of September, 2024.

/s/ Manuel H. Newburger
Manuel H. Newburger

Exhibit A



BARRON & NEWBURGER, P.C.

BARRON & NEWBURGER, P.C.

7320 N. Mopac Expy Ste 400

Greystone II

Austin, TX 78731

512-476-9103

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Tax Identification No. 74-2400211

BNPC Account #: 14156.307MN

Zwicker & Associates PC

Paul W. Zwicker, Esq., President

Exhibit B*Re: Invoice for Cairobe, Mirabahn-Zwicker & Associates PC***Time**

Date	Staff	Description	Hours	Charges
7/19/2024				
	MNEWBURGER	Reviewed and redacted billing history.	0.40	\$160.00
	TotalHours		0.40	\$160.00
7/22/2024				
	MNEWBURGER	Work on questions for hearing.	1.80	\$720.00
	TotalHours		1.80	\$720.00
7/24/2024				
	MNEWBURGER	Travel to Atlanta for hearing.	3.90	\$1,560.00
	MNEWBURGER	Finished hearing prep.	1.90	\$760.00
	TotalHours		5.80	\$2,320.00
7/25/2024				
	MNEWBURGER	Final prep with Keith and Paul on the way to the courthouse and waiting for the hearing.	0.80	\$320.00
	MNEWBURGER	Sanctions hearing.	2.10	\$840.00
	MNEWBURGER	Travel home.	4.40	\$1,760.00
	TotalHours		7.30	\$2,920.00
7/26/2024				
	MNEWBURGER	Call to Paul to report on the sanctions hearing.	0.20	\$80.00
	TotalHours		0.20	\$80.00
7/31/2024				

7/31/2024	MNEWBURGER	Preliminary work on proposed finding and conclusions.	0.50	\$200.00
TotalHours			0.50	\$200.00
8/20/2024				
8/20/2024	MNEWBURGER	Finished first draft of findings of fact and conclusions of law.	1.70	\$680.00
TotalHours			1.70	\$680.00
8/23/2024				
8/23/2024	MNEWBURGER	Conversation with Plaintiff. She wants to pay za's fees and costs at \$700/month.	0.20	\$80.00
8/23/2024	MNEWBURGER	Conversation with Paul re: Cairobe's payout proposal.	0.20	\$80.00
TotalHours			0.40	\$160.00
Time SubTotal			18.70	\$7,240.00

Additional Charges

<u>Date</u>	<u>Description</u>	<u>Charges</u>
7/24/2024	Uber fare to airport for Cairobe sanctions hearing.	\$36.74
7/24/2024	Uber fare from airport to hotel for Cairobe hearing.	\$29.93
Additional Charges Total		\$66.67

Total New Charges **\$7,306.67**Previous Balance **\$0.00****Timekeeper Summary**

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
MNEWBURGER	18.10	\$400.00	\$7,240.00